



## **PLANNING DIRECTOR'S HEARING AGENDA**

**WEDNESDAY, SEPTEMBER 29, 2004**

10:00 a.m.  
City Council Chambers  
Room 205  
City Hall

801 North First Street  
San Jose, California

### **Hearing Officers**

**Jean Hamilton, AICP, Principal Planner**

**Susan Walton, Principal Planner**

**Plan Implementation Division  
Joseph Horwedel, Deputy Director**

**Stephen M. Haase, AICP  
Director Planning, Building, and Code Enforcement**

## NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 277-4576 (VOICE), 998-5299 (TTY) at least two days, (48 hours) before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

## NOTICE TO THE PUBLIC

Good morning, this is the Planning Director's Hearing of **September 22, 2004**. My name is \_\_\_\_\_ and I am the Hearing Officer for today's agenda. On behalf of the Planning Director, I would like to welcome you to this Public Hearing. Please remember to turn off all cell phones and pagers. A copy of the agenda is available on the table by the door for your convenience.

The procedure for this hearing is as follows:

- Hearing Officer will identify the project as described on the agenda
- Staff report
- After the staff report, applicant and/or representative will have up to 5 minutes to speak and should make themselves known as their item comes up by approaching the microphone and identifying themselves and stating their home address, or just wave from the audience if you do not wish to speak
- Public testimony of up to 2 minutes, either for or against the project. Please state name and home address for the record
- After the public testimony, the applicant may make closing remarks of up to 5 minutes
- The Hearing Officer may ask questions of the speaker
- The public hearing will then be closed and the Hearing Officer will take action on the item. The Hearing Officer may request staff to respond to the public testimony, ask staff questions, and discuss the item

**If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.**

**The Planning Director's action on these agenda items is final when the permit is signed and mailed, unless the permit is appealed.** The Planning Director's actions are appealable in accordance with the requirements of Title 20 of the Municipal Zoning Code.

**Note:** If you have any agenda changes, please contact Joe Babiasz ([joe.babiasz@sanjoseca.gov](mailto:joe.babiasz@sanjoseca.gov)).

## AGENDA

### ORDER OF BUSINESS

#### 1. DEFERRALS

Any item scheduled for hearing this morning for which deferral is being requested will be taken out of order, to be heard first on the matter of deferral. A list of staff recommended deferrals is available on the table. I will identify the items to be deferred and then ask for comments from the audience. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time. I will now open the public hearing. The following items are proposed to be deferred.

**The matter of deferrals is now closed.**

#### 2. CONSENT CALENDAR

##### NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by the Director of Planning, staff, or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. **TR04-098. Tree Removal Permit** to remove one Ligustrum japonicum tree (58 inches in circumference) on a 0.14 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 2031 Redbush Terrace (Chaney Patricia W, Owner). Council District 6. CEQA: Exempt.
- b. **TR04-091. Tree Removal Permit** to remove one (1) Maple tree, 80-inch in circumference on a 0.17 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 1592 Koch Lane (Shaler Dennis R, Owner). Council District 9. CEQA: Exempt.
- c. **TR04-075. Tree Removal Permit** request to remove two Redwood trees, 99 inches and 120 inches in circumference, on a 0.16 gross acre lot in the R-1-8 Single-Family Residence Zoning District, located at 3862 Leigh Avenue (Wood Nancy B, Owner). Council District 9. CEQA: Exempt.

- d. **HP03-004. Historic Preservation Permit** to allow the rehabilitation of the Crydenwise building (27 Fountain Alley, City Landmark No. HL92-64) as part of a 27,955 square foot office/retail project involving five other buildings, in the DC Downtown Commercial Zoning District, located on the north side of Fountain Alley approximately 120 feet easterly of South Second Street (Kotansky Properties, owner). Council District: 3. SNI: None. CEQA: Mixed-Use Project, Century Center Expansion EIR and Addendum thereto, Resolution No. 71039. Deferred from 9/8/04, 9/15/04, and 9/22/04.
- e. **PTE02-006-01. Planned Tentative Condominium Map Extension** for a one lot condominium map for 50 residential units in the A(PD) Planned Development Zoning District, located on the northwest corner of Huff Avenue and Magliocco Drive (9588 TRACT) (Migdal Mark, Owner). Council District 6. SNI: Winchester. CEQA: Negative Declaration.
- f. **HA00-049-02. Site Development Permit Amendment** to construct a 398 square foot addition to a previously approved medical office building and to remove one tree on a 0.14 gross acre site in the CO Office Commercial Zoning District, located on the south side of Clarmar Way, approximately 320 feet northerly of Revey Avenue (2050 CLARMAR WY) (Caruso Anthony And Maria, Owner). Council District 6. SNI: Burbank/Del Monte. CEQA: Exempt.

**The consent calendar is now closed.**

### **3. PUBLIC HEARING**

- a. **SP04-020. Special Use Permit** to legalize, unpermitted construction of arbors, retaining walls, and other accessory structures on a 0.26 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at the east terminus of Red Holly Court (7163 RED HOLLY CT) (Victor A. Pshevlozky and Dawn Mazur Trustee, Owners). Council District 10. SNI: None. CEQA: Exempt. Continued from 9/22/04.
  - b. **PD04-044. Planned Development Permit** to allow a 7,329 square-foot single-family detached residence with a 1,943 square-foot attached garage (.06 F.A.R.) on a 2.6 gross acre site in the A(PD) Planned Development Zoning District, located at/on the west side of Blackpool Court approximately 1,500 feet southerly of Country Club Parkway (6107 Blackpool Court) (Brunetti Richard & Donna, Owner). Council District 8. SNI: None. CEQA: Use of Silver Creek Country Club EIR Resolution No. 61784. Deferred from 9/8/04 and 9/15/04.
  - c. The projects being considered are located on the southwest corner of Woodglen Drive and Campbell Avenue on a 5.39 gross acre site in the A(PD) Planned Development Zoning District (Moreland School District, Owner; Summerhill Homes, Developer). Council District 1. SNI: None. CEQA: Mitigated Negative Declaration (File No. PDC03-076).
- 1. **PD03-061. Planned Development Permit** to construct 56 single-family detached residences. Deferred from 9/15/04.

2. **PT03-096. Planned Tentative Map Permit** to subdivide one parcel into 59 lots for 56 single-family detached residential and open space purposes. Deferred from 9/15/04.
- d. The projects being considered are located at/on southwest corner of Silver Creek Road and Aborn Road, in the A(PD) Planned Development Zoning District (FENG LI-CHU AND SHEN CHUNG-GUANG, LII RUEY-RONG & LIH-WOAN, Owner; Barry Swenson Builder, Developer). Council District 7. SNI: West Evergreen. CEQA: Mitigated Negative Declaration File No. PDC04-008.
  1. **PD04-057. Planned Development Permit** to construct a 69,525 square feet of retail center on a 5.0 gross acre site.
  2. **PT04-082. Planned Tentative Map Permit** to subdivide 2 parcels into 3 lots for commercial uses on a 7.54 gross acre site.
- e. **SP03-036. Special Use Permit** to add a staircase and raise an existing legal non-conforming single family detached residence to allow a basement on a 0.15 gross acre site in the CN Neighborhood Commercial Zoning District, located at/on the west side of Clark Street approximately 200 feet southerly of Willow Street (1115 CLARK ST) (Jennings Timothy, Owner). Council District 6. SNI: None. CEQA: Exempt.

**This concludes the Planning Director's Hearing for September 29, 2004. Thank you.**

PLANNING DIRECTOR'S AGENDA ON THE WEB:  
<http://www.ci.san-jose.ca.us/planning/sjplan/Hearings/index.htm>  
PUBLIC INFORMATION COUNTER  
(408) 277-4576 CITY OF SAN JOSE

**DEPARTMENT OF PLANNING, BUILDING AND CODE ENFORCEMENT  
PLANNING DIRECTOR'S HEARING**

**Synopsis of Staff Recommendations**

**September 22, 2004**

**PUBLIC HEARINGS**

**1. DEFERRALS**

- |    |              |                       |
|----|--------------|-----------------------|
| a. | PDA87-071-01 | Continued to 10/13/04 |
|----|--------------|-----------------------|

**2. CONSENT CALENDAR**

- |    |              |          |
|----|--------------|----------|
| a. | HA78-031-01  | Approved |
| b. | PDA91-006-69 | Approved |
| c. | HA82-066-01  | Approved |

**3. PUBLIC HEARINGS**

- |     |                    |                      |
|-----|--------------------|----------------------|
| a.  | TR04-086           | Approved             |
| b.  | SP04-025 & V04-004 | Approved             |
| c.  | HP03-004           | Deferred to 9/29/04  |
| d.  | SP04-037           | Approved             |
| e.  | SP04-020           | Continued to 9/29/04 |
| f1. | SP04-043           | Approved             |
| f2. | V04-009            | Approved             |